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09/437,296	11/09/1999	MICHIO YAMAJI	991283	7789

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EXAMINER

DUNWOODY, AARON M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/437,296
Filing Date: November 09, 1999
Appellant(s): YAMAJI ET AL.

William L. Brooks
For Appellant

EXAMINER'S ANSWER

MAILED
SEP 10 2007
GROUP 3600

This is in response to the appeal brief filed 5/14/2007 appealing from the Office action mailed 12/19/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,957,489	Nakazawa et al	10-1999
5,058,935	Eidsmore	10-1991

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

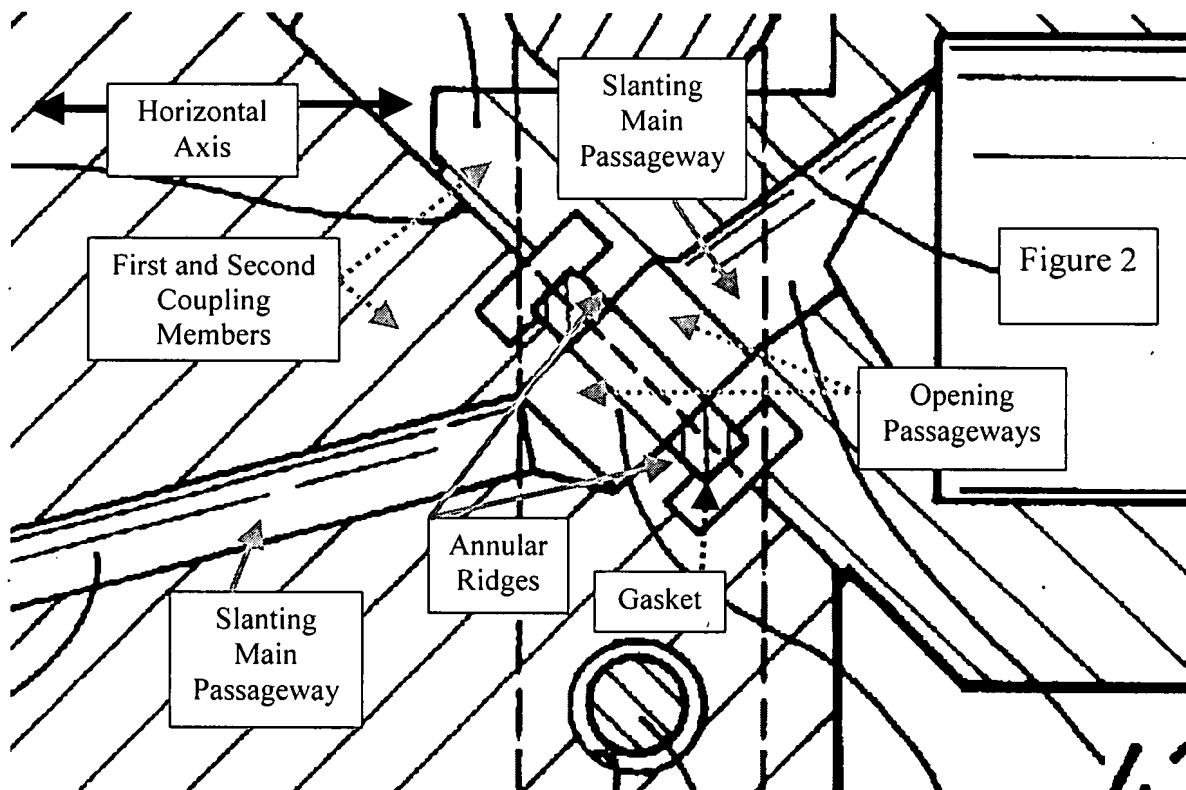
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5967489, Nakazawa et al in view of US patent 5058935, Eidsmore.

In regards to claim 1, in figure 2 below, Nakazawa et al discloses a fluid coupling comprising first and second coupling members having respective gasket holding annular ridges on butting end faces thereof; and

an annular gasket interposed between the first and second coupling members, wherein each coupling member has a fluid channel comprising an opening passageway orthogonal to the butting end face thereof, and a slanting main passageway communicating therewith, the opening passageway having a diameter equal to the inside diameter of the gasket holding annular ridge, and

the gasket holding annular ridges are in contact with the gasket at its radial midportion so as (capable) to relieve the inner peripheral portion of the gasket from stress concentration and wrinkles.

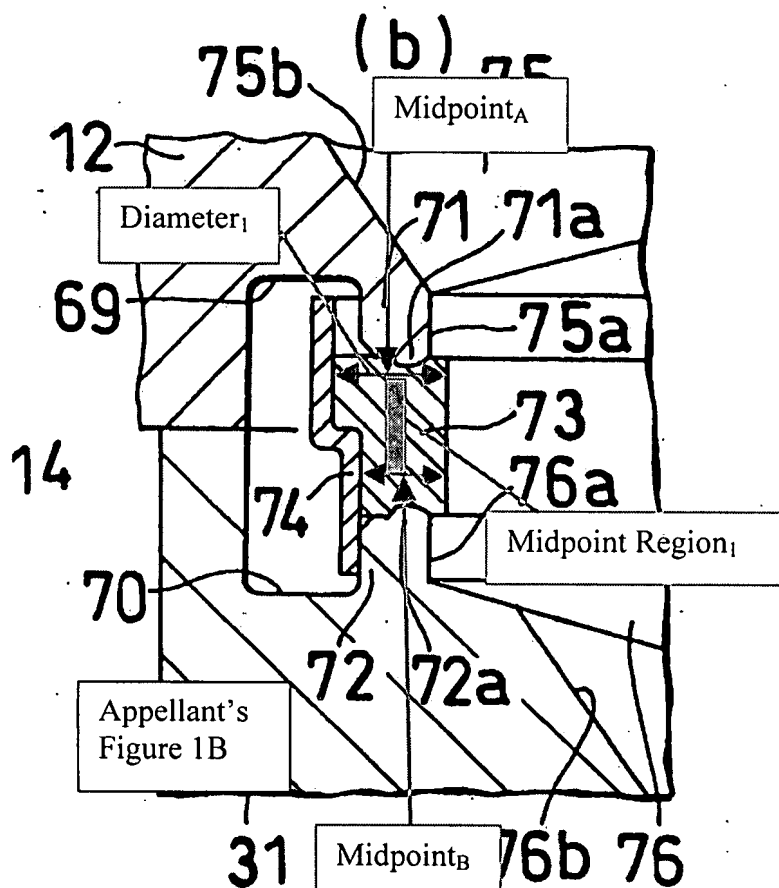


Nakazawa et al does not disclose the gasket holding annular ridges being rounded as to be in contact with flat, non-inclined faces of the gasket only at its radial midpoint. In Figure 5, Eidsmore teaches a gasket holding annular ridges (40) being rounded as to be in contact with flat, non-inclined faces of the gasket (42) only at its radial midpoint because this a relatively conventional arrangement well known in the art (col. 4, lines 24-26). As Eidsmore relates to pipe joints employing a metal gasket, it would have been obvious to one having ordinary skill in the art the time the invention was made to fabricate rounded gasket holding annular ridges as to be in contact with flat, non-

inclined faces of the gasket only at its radial midpoint because this a relatively conventional arrangement well known in the art, as taught by Eidsmore.

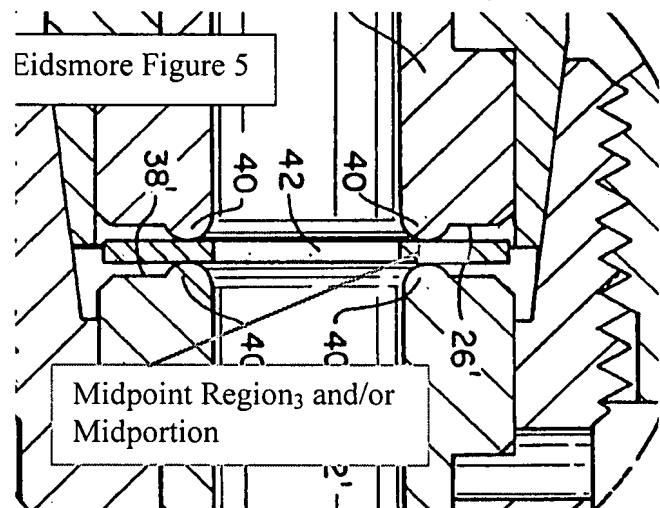
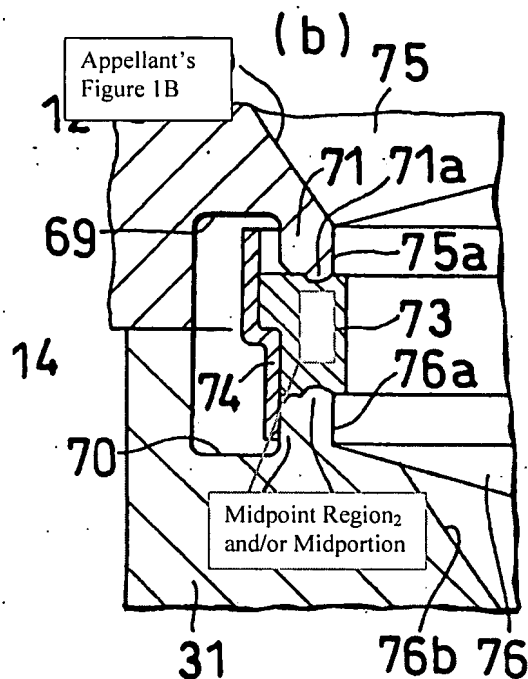
(10) Response to Argument

Appellant's argument is directed towards the following recitation of claim 1, "wherein the gasket holding annular ridges are rounded so as to be in contact with flat, non-inclined faces of the gasket only at its radial midportion". The Examiner interprets "the gasket only at its radial midpoint" in the following manner. The "its" could possibility be the gasket holding annular ridges, the flat non-inclined faces, or the gasket. Since "its" is singular, the Examiner must conclude that the gasket is element only being contacted at its radial midpoint. A review of the original claims and specification fail to provide clarification as where the midpoint of the gasket may be; therefore, the original drawings must determine exactly where the elusive radial midpoint lies.



Appellant's Figure 1B above illustrates the gasket having two different diameters, Diameter₁ and Diameter₂, with respective midpoints, Midpoint_A and Midpoint_B. Thus, the gasket does not have a single middle or midpoint, but it does have a midpoint region (Midpoint Region₁). The Midpoint Region₁ can not be considered Appellant's midportion, because the annular ridges are not included in this region.

Appellant's Figure 1B below is a true representation the claimed midportion and how the Examiner is interpreting the claimed limitation. Again, the gasket does not have a single middle or midpoint, but it does have a midpoint region (Midpoint Region₂). It should be noted that midportion is not symmetrical with the gasket, and the midportion leaves non-equal portions of gasket extending radially from either side of where the gasket holding annular ridges contacting the gasket.



In Figure 5 above, Eidsmore teaches the gasket holding annular ridges are rounded so as to be in contact with flat, non-inclined faces of the gasket only at its radial midportion. Like Appellant's invention, a true representation the claimed midportion and how the Examiner is interpreting the claimed limitation, is Midpoint Region₃ as illustrated in Figure 5 above. Like Appellant's invention the midportion leaves non-equal portions of gasket extending radially from either side of where the gasket holding annular ridges contacting the gasket. In as much as Appellant's invention meets the claim limitation and Examiner interpretation, Eidsmore meets the claim limitation and Examiner interpretation.

Therefore, as Eidsmore relates to pipe joints employing a metal gasket, it would have been obvious to one having ordinary skill in the art the time the invention was made to fabricate rounded gasket holding annular ridges as to be in contact with flat, non-inclined faces of the gasket only at its radial midpoint because this a relatively conventional arrangement well known in the art, as taught by Eidsmore.

Art Unit: 3679

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Aaron Dunwoody



Conferees:

Daniel P Stodola



Meredith Petravick

